IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6326 of 2006

Dated the 21st day of April, 2006

Between

M/s.SS Saw Mills & Timber Depot,

Balajinagar, Ghatkesar, RR Dist, rep. By its

Proprietor Shaik Shasha. …Petitioner

And

The govt. of AP, rep. By its Secretary,

Ministry of Forest & Environment, Secretariat,

Khairatabad, Hyderabad and ors.

…..Respondents

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 6326 OF 2006

ORDER:

This Writ Petition is filed seeking Writ of Mandamus, to declare the action of the respondent in sealing the petitioner's Saw Mill on 13-3-2006 as illegal and arbitrary.

The petitioner was initially granted saw-mill licence in the month of May, 2005 by considering his application under A.P.Saw Mills (Regulation) Rules, 1969 framed under Andhra Pradesh Forest Act, 1967. The said licence was valid up to 31.12.2005. When an application was filed for its renewal beyond 31.12.2005, the same was rejected by referring to order dated 16.11.2002 passed in W.P. 202 of 1995 by the Honourable Supreme Court of India. In the aforesaid order, the Apex Court while dealing with the permits granted to saw mills in the States of Nagaland, Karnataka etc. has issued directions to all the State Governments and Union Territories not to grant permissions for opening of any saw-mills, veneer or plywood industry without prior permission of the Central Empowered Committee.

As much as there is no absolute prohibition for grant of licence and in view of the directions issued by the Apex Court, it is permissible for the licensing authority to consider the applications for grant of permission subject to permission by the Central Empowered Committee constituted by the Ministry of Environment and Forest, Government of India. As much as the petitioner was initially granted licence in the month of May, 2005 and further renewal was rejected by referring to the directions of the Apex Court and as there is no absolute prohibition, I dispose of the writ petition directing the Divisional Forest Officer to refer the application of the petitioner within a period of four weeks from the date of the receipt of a copy of this order, for consideration as to permission by the Central Empowered Committee constituted by the Ministry of Environment and Forests, Government of India, under the provisions of sub-section (3) of Section 3 of the Environment (Protection) Act, 1986, by notification dated 17.9.2002, for grant of licence/renewal of licence granted under A.P. Saw Mills (Regulation) Rules, 1969. Subject to the orders that may be passed as to permission by the Central Empowered Committee, the Divisional Forest Officer shall take steps for renewal of licence, which has already been granted to the petitioner earlier. No costs.

seize

JUSTICE R. SUBHASH REDDY

DATED: 21-04-2006.

Msnr.